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10/533,672	07/17/2006	Richard W. McCoy	18801-540	9573

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McDonald Hopkins Co  
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EXAMINER
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VANTERPOOL, LESTER L

ART UNIT	PAPER NUMBER
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3782

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02/16/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,672	<b>Applicant(s)</b> MCCOY ET AL.	
	<b>Examiner</b> LESTER L. VANTERPOOL	<b>Art Unit</b> 3782	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8,9,12-14,16,19,21,22,26-28,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,8,9,12-14,16,19,21,22,24,26-28,31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claim 22 was mistakenly typed in error instead of claim 21 in the 35 USC 102 rejection heading and in the body of the 102 rejection of the office action mailed on August 03, 2010.

However, in the body of the 102 rejection, the limitations and details of claim 21 as filed on May 24, 2010 were properly rejected with Hayama (Japan Patent Number JP 10211851 A) (See page 6 of the office action 05-24-2010).

Furthermore, claim 22 was properly rejected under 35 U.S.C. 103(a) as being unpatentable over Hayama (Japan Patent Number JP 10211851 A) in view of Jefferson (U.S. Patent Number 4260085) in the heading and body of the office action mailed on August 03, 2010.

Therefore, the appropriate corrective actions have been taken in the enclosed current office action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 5, 6, 9, 12, 14, 16, 19, 21, 28, 31 & 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayama (Japan Patent Number JP 10211851 A).

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Hayama discloses the cargo container (12) connectable to the vehicle (10 & 11), the cargo container (12) comprising the bottom and the container side walls extending upwardly from the periphery of the bottom, the bottom and container side walls defining the interior compartment (See Figure 2C);

platform (16) comprising the floor (16B), the platform side wall (16C) extending vertically from the periphery of the floor (16B), the shoulder member projecting (21A) from the exterior surface of the platform side wall (16C), the floor (16B) and platform side wall (16C) defining a receiver portion (i.e. middle portion of (16) in Figure 1) adapted to nestingly support the cargo container (12) thereon (See Figures 1 & 3);

at least one latch or lock (19 & 21) including the movable catch member (21B) attached to the exterior surface of the side wall of the cargo container (12) to engage with the shoulder member (21A) to secure the container (12) to the platform side wall (See Figures 1 – 3).

Regarding claim 4, Hayama discloses the cargo container (12) includes at least one projection (27) extending horizontally outwardly from the container bottom periphery (See Figure 1 & 2).

Regarding claim 5, Hayama discloses the platform (16) includes at least one slot (22A) aligned with and adapted to matingly engage the cargo projection (22) when the platform (16) is nestingly supporting the cargo container (12), wherein the slot (22A) limits vertical movement between the cargo container (12) and the platform (16).

Regarding claim 6, Hayama discloses the opening extending substantially through the platform side wall (See Figure 1)

Regarding claim 9, Hayama discloses the cargo container (12) further includes the cover (23) attached to the upper end of the container side wall (See Figure 2).

Regarding claim 12, Hayama discloses the cargo container side wall or bottom includes at least one wheel (27).

Regarding claim 14, Hayama discloses the cargo container (12) comprising the bottom and the container side wall extending vertically from the periphery of the bottom and at least one projection (22) extending horizontally outwardly from the container bottom periphery, the bottom and the container side wall defining the interior compartment (See Figure 2C);

the platform (16) comprising the floor (16B), the platform side wall (16C) extending vertically from the periphery of the floor (16B), and at least one slot (22A) at least partially in the platform side wall where the slot (22A) includes a closed periphery, and wherein the slot (22A) is aligned with and adapted to matingly engage the projection (22) (See Figure 1); and

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Regarding claim 16, Hayama discloses the cargo container side wall includes at least one latch or lock (19 & 21) for securing the container (12) to the platform (16) (See Figures 1 & 3).

Regarding claim 19, Hayama discloses the slot (22A) defines the opening extending substantially through the platform side wall (16C) (See Figures 1 & 3).

Regarding claim 21, Hayama discloses the accessory support assembly (14) comprises the mounting post (13) and the accessory mounting bracket (14A, 14B, 14C, 14D & 14E) having the mounting aperture (i.e. Holes where (14F) are threaded through in Figures 1 & 3) aligned with the platform mounting apertures (16A) (See Figure 1).

Regarding claim 28, Hayama discloses the cargo container (12) comprising the bottom and the container side wall extending vertically from the periphery of the bottom, the bottom and the container side wall defining the interior compartment (See Figure 2C);

the platform (16) comprising the floor (16B) and the platform side wall (16C) extending vertically from the periphery of the floor (16B), the floor (16B) and platform side wall (16C) defining the receiver portion (i.e. middle portion of (16) in Figure 1) adapted to nestingly support the cargo container (12) thereon;

the accessory support assembly (14) for carrying and securing the cargo carrier assembly (See Figures 1 & 3) to the accessory receiver assembly (18) secured to the

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vehicle (10 & 11) (See Figures 1 & 3), wherein the accessory support assembly (14) comprises the mounting post (13) and the accessory mounting bracket (14A, 14B, 14C, 14D & 14E) pivotally secured to the mounting post (13) so that the bracket (14A, 14B, 14C, 14D & 14E) is selectively displaceable between the first position and the second position (See Figure 1).

Regarding claim 31, Hayama discloses the accessory support assembly (14) for carrying the cargo carrier assembly (See Figures 1 & 3) and securing the cargo carrier assembly (See Figures 1 & 3) to the accessory receiver assembly (18) secured to a vehicle (10 & 11).

Regarding claim 32, Hayama discloses the cargo container (12) comprising the bottom and the container side wall extending upwardly from the periphery of the bottom; the platform comprising the floor (16B) and the platform side wall (16C) define the receiver portion (i.e. middle portion of (16) in Figure 1) adapted to nestingly support the cargo container (12) thereon; and

the accessory support assembly (14) for carrying and securing the cargo carrier assembly (See Figures 1 & 3) to the accessory receiver assembly (18) secured to the vehicle (10 & 11), wherein the accessory support assembly (14) comprises the mounting post (13) and the accessory mounting bracket (14B) having the mounting aperture (i.e. Holes where (14F) are threaded through in Figures 1 & 3) aligned with the platform mounting aperture (16A) (See Figure 1).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayama (Japan Patent Number JP 10211851 A) in view of LeTrudet (U.S. Patent Number 6666362).

Hayama does not disclose the cargo container side wall includes the first portion with the first exterior dimension and located proximate to the bottom of the cargo container and the second portion with the second exterior dimension and extending upward from the first portion, whereby the second exterior dimension is greater than the first exterior dimension and the exterior surface of the second portion of the cargo container side wall and the platform side wall exterior surface are substantially coplanar when the platform is nestingly supporting the cargo container.

LeTrudet teaches the cargo container side wall includes the first portion with the first exterior dimension (i.e. See Lower Bottom Portion of (30) in Figure 3) and located proximate to the bottom of the cargo container (30) and the second portion with the second exterior dimension (i.e. See Upper Half Portion of (30) in Figure 3) and extending upward from the first portion, whereby the second exterior dimension (i.e. See Upper Half Portion of (30) in Figure 3) is greater than the first exterior dimension



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(i.e. See Lower Bottom Portion of (30) in Figure 3) and the exterior surface of the second portion of the cargo container side wall (32) and the platform side wall exterior surface (68) are substantially coplanar when the platform (60) is nestingly supporting the cargo container (30) (See Figures 4, 5 & 7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cargo container side wall includes the first portion with the first exterior dimension and located proximate to the bottom of the cargo container and the second portion with the second exterior dimension and extending upward from the first portion, whereby the second exterior dimension is greater than the first exterior dimension and the exterior surface of the second portion of the cargo container side wall and the platform side wall exterior surface are substantially coplanar when the platform is nestingly supporting the cargo container as taught by LeTrudet with the modular cargo carrier assembly of Hayama in order to enhance snug and secure anchoring.

6. Claims 8, 22, 26 & 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayama (Japan Patent Number JP 10211851 A) in view of Jefferson (U.S. Patent Number 4260085).

Hayama does not disclose the platform and cargo container further including at least one aligned drainage aperture for selectively permitting fluid communication between the cargo container interior compartment and the exterior of the container.

Jefferson teaches the platform (See Figures 1 & 3) and cargo container (40) further include at least one aligned drainage aperture (82) for selectively permitting fluid communication between the cargo container interior compartment and the exterior of the container (40) (See Column 3, lines 50 – 66).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the platform and cargo container further including at least one aligned drainage aperture fur selectively permitting fluid communication between the cargo container interior compartment and the exterior of the container as taught by Jefferson with the modular cargo carrier assembly of Hayama in order to enhance cleaning.

Regarding claim 22, Hayama does not disclose the platform and cargo container further including at least one aligned drainage aperture for selectively drainage from the cargo container interior compartment and the exterior of the container.

Jefferson teaches the platform (See Figures 1 & 3) and cargo container (40) further include at least one aligned drainage aperture (82) for selectively drainage from the cargo container interior compartment and the exterior of the container (40) (See Column 3, lines 50 – 66).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the platform and cargo container further including at least one aligned drainage aperture fur selectively drainage from the cargo container interior

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compartment and the exterior of the container as taught by Jefferson with the modular cargo carrier assembly of Hayama in order to enhance cleaning.

Regarding claim 26, Hayama discloses the cargo container side wall or bottom includes at least one wheel (27) (See Figures 1 & 2).

Regarding claim 27, Hayama discloses the platform floor (16B) or side wall (16C) includes at least one wheel receiving slot (i.e. See Gap Opening Lower Portion of (16) in Figure 1) aligned with the wheel (27) when the platform (16) is nestingly supporting the cargo container (12) (See Figures 1 – 3).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayama in view of Self (U.S. Patent Number 1976146).

Hayama discloses the cargo container (12) connectable to the vehicle (10 & 11), the cargo container (12) comprising the bottom and the container side wall extending vertically from the periphery of the bottom, wherein the cargo container side wall or bottom includes at least one wheel (27);

the platform (16) comprising the floor (16B) and the platform side wall (16C) extending vertically from the periphery of the floor (16B), the floor (16B) and platform side wall (16C) defining the receiver portion (i.e. middle portion of (16) in Figure 1) adapted to nestingly support the cargo container (12) thereon (See Figures 1 & 3); and

wherein the platform floor (16B) or side wall (16C) includes at least one wheel receiving slot (i.e. See Open Gaps on Lower Portion of (16) in Figure 1) aligned with the wheel (27) when the platform (16) is nestingly supporting the cargo container (12) (See Figure 1).

Hayama does not explicitly disclose the slot having a closed periphery.

Self teaches the platform floor (2) includes at least one the slot (i.e. large rectangular holes of (2) in See Figure 1) having a closed periphery (See Figure 1).

It would have obvious to one having ordinary skill in the art at the time the invention was made to make the slot having a closed periphery as taught by Self in order to place a wheeled device of Hayama flush on the tray with the wheels through the slots for adequate storage, anchoring and reduces excess movement.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 2, 4, 5, 6, 8, 9, 12, 13, 14, 16, 19, 21, 22, 26, 27, 28, 31 & 32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Response to Arguments***

9. Applicant's arguments filed December 3, 2010 have been fully considered but they are not persuasive.

Applicant argues, Hayama the platform side wall does not extend vertically from the floor.

Examiner disagrees, Hayama clearly discloses the side wall (16C) vertically from the platform floor (16B). Figure 3 teaches the side wall (16) of Hayama is perpendicular from the floor (16B). If a plane extends perpendicular from a horizontal plane, then the perpendicular plane extends (upward or vertical) or (downward) from the horizontal plane. Therefore, the side wall (16C) extends upward or vertically from the floor (6B) (See Figure 3).

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESTER L. VANTERPOOL whose telephone number is

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(571)272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. L. V./  
Examiner, Art Unit 3782  
February 02, 2011

/Justin M Larson/  
Primary Examiner, Art Unit 3782  
2/14/11